

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,       )  
  )  
                  Plaintiff,        )  
  ) Cause No.  
                  vs.                ) 3:23-cr-30076-SPM-1  
  ) East St. Louis, IL  
NIRAV B. PATEL,                    ) January 14, 2025  
  ) 9:44 a.m.  
                  Defendant.        )

Before the  
HONORABLE JUDGE STEPHEN P. MCGYLNN

**TRANSCRIPT OF FINAL PRETRIAL CONFERENCE**

FOR PLAINTIFF:   Mr. Peter T. Reed  
                          Mr. Steven D. Weinhoeft  
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FOR DEFENDANT:   Ms. Kim C. Freter  
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INTERPRETER:   Nita Shah

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(Proceedings taken by machine shorthand; transcript  
produced by computer-aided transcription)

1 (In open court.)

2 COURTROOM DEPUTY: Court calls Case No.  
3 3:23-cr-30076, the *United States of America v.*  
4 *Nirav Patel*. Case is called for a final pretrial  
5 hearing.

6 Parties, if you would please introduce  
7 yourselves for the record.

8 MR. REED: Good morning, Judge. Peter  
9 Reed and Steve Weinhoeft for the Government.

10 THE COURT: Good morning, gentlemen.

11 MS. FRETER: Good morning, Your Honor.  
12 Kim Freter for Mr. Patel, and I apologize, Judge.  
13 I was so certain this was on Thursday. I have a  
14 visit even set up with Mr. Patel for this  
15 afternoon. I just apologize.

16 THE COURT: It happens. I'm not worried  
17 about it.

18 Good morning, Mr. Patel.

19 All right. We have several Motions in  
20 limine filed by the Government. The last one being  
21 filed yesterday seeking to present the deposition  
22 testimony of Sergeant Towell, T-o-w-e-l-l, to the  
23 jury during trial as he is out of the area or even  
24 out of the country on National Guard duty. Any  
25 objection?

1 MS. FRETER: No, Your Honor. There was  
2 one objection in the course of the deposition that  
3 the Government and I were working to resolve, and I  
4 think we've got that --

5 MR. REED: The hearsay objection, I think  
6 that maybe you're standing on. Is that accurate?

7 MS. FRETER: Yes.

8 MR. REED: Okay. There is one objection I  
9 thought we had as well; but if you're willing to  
10 rule on it today, then we can cut the video, and we  
11 won't have to skip back and forth during the  
12 course.

13 MS. FRETER: I have no objection to the  
14 deposition being admitted.

15 MR. REED: It's up to you, Your Honor. I  
16 have the transcript.

17 THE COURT: Why don't you just give me the  
18 transcript. I'll take a look at it. Let me know  
19 what page it is, and we can take it up before we  
20 bring the jury in next week.

21 MR. REED: Okay.

22 MS. FRETER: Thank you, Your Honor.

23 COURTROOM DEPUTY: The interpreter needs  
24 to be sworn.

25 THE COURT: I'm sorry?

1 COURTROOM DEPUTY: I need to swear in the  
2 interpreter.

3 THE COURT: Oh, okay.

4 We have to swear in the interpreter, so  
5 ma'am.

6 (Interpreter Nita Shah sworn.)

7 THE INTERPRETER: I do.

8 COURTROOM DEPUTY: Thank you.

9 THE COURT: All right. Does the defense  
10 have any motions in limine?

11 MS. FRETER: No, Your Honor.

12 THE COURT: All right. I did receive a  
13 letter dated January the 8th from the Consulate  
14 General of India. Actually, the letter was  
15 addressed to the United States Attorney and was  
16 forwarded to our office.

17 The letter reads, in part: As part of our  
18 consular responsibilities, the Consulate General of  
19 India in Chicago spoke to Mr. Patel through an  
20 online video call arranged by the Alton Police  
21 Department. During the interaction, Mr. Patel  
22 expressed dissatisfaction with his current defense  
23 attorney and conveyed a request for assistance in  
24 securing alternate -- or alternative legal  
25 representation. He claims to have raised this

1 matter with the presiding judge.

2 Counsel, is there a -- have you been  
3 informed by anyone, any other attorney, that he or  
4 she is going to be entering an appearance on behalf  
5 of Mr. Patel in this case?

6 MS. FRETER: No, Your Honor.

7 THE COURT: Are you under the impression  
8 that Mr. Patel is seeking to have you removed as  
9 his counsel in this case?

10 MS. FRETER: My understanding, Judge, is  
11 that we're in the same place that we've been  
12 before, that he's unhappy with the choices that  
13 I've presented to him but that he does not want a  
14 continuance of his trial and that he understands if  
15 he gets a new trial, the trial -- or new lawyer,  
16 the trial will get pushed back, and so it's the  
17 same couple of conversations we've had before.

18 THE COURT: All right. The Court has  
19 appointed an attorney to assist Mr. Patel. The  
20 Court has appointed the Chief Federal Public  
21 Defender for the Southern District of Illinois.  
22 She was selected by the district judges of Southern  
23 Illinois after a thorough merit selection process,  
24 and she was selected because of her demonstrated  
25 ability as both a defense lawyer and as someone

1 with the Court the judges felt comfortable would do  
2 the best job recruiting and mentoring and helping  
3 other assistant federal public defenders that would  
4 be in the office. I've seen nothing in this case  
5 or any other case that suggests that there would be  
6 reason to be concerned about the quality of the  
7 representation of the defendant in this case. The  
8 defendant -- defendant's counsel -- are you death  
9 penalty certified?

10 MS. FRETER: Yes, I am. I'm learned  
11 counsel.

12 THE COURT: And, in fact, you had a death  
13 penalty case before me -- or a death penalty  
14 eligible case before me, and she is also defense  
15 counsel in RICO litigation and major conspiracy  
16 cases.

17 And I have not filed any -- I have not  
18 forwarded any response to this letter from the  
19 Consulate General of India.

20 Has the Government done anything with  
21 respect to this letter?

22 MR. REED: Judge, we have not sent a  
23 response to the Consulate in regard to this letter.  
24 We are consulting with our Office of IA, which is  
25 the Office of International Affairs, to make sure

1       there is nothing we need to do.

2               THE COURT: Well, I will direct that a  
3 transcript of this part of the proceeding in which  
4 I've addressed this letter on the record be  
5 forwarded to Mr. Gautam, G-a-u-t-a-m, who is Head  
6 of Chancery and the Consul, Consulate General of  
7 India.

8               Any objection?

9               MR. REED: No objection, Judge.

10              MS. FRETER: No, Your Honor.

11              THE COURT: All right. We are set to  
12 start trial Tuesday; is that correct?

13              MR. REED: Yes, Judge.

14              THE COURT: Is the Government going to be  
15 ready?

16              MR. REED: Yes, Judge.

17              MS. FRETER: We're ready, Your Honor.

18              THE COURT: All right. And how long do  
19 you anticipate it taking?

20              MR. REED: Judge, I still think we should  
21 be done by the end of next week, by Friday. Some  
22 of that is going to depend on timing with the  
23 interpreter in court, but I feel confident we  
24 should be able to finish up by the end of the  
25 week.

1 MS. FRETER: I think that's right, Judge.  
2 We've worked out some stipulations. We're hopeful  
3 to work out some more, so I think we're able to cut  
4 out a couple witnesses.

5 THE COURT: How many prospective jurors do  
6 you think we need to bring in?

7 MR. REED: What's a typical?

8 THE COURT: Forty, 45.

9 MS. FRETER: How many did you have, Peter,  
10 a couple weeks ago?

11 MR. REED: I think we pulled in 55 because  
12 of the length.

13 MS. FRETER: How close did you get?

14 MR. REED: I think we had 15 left. I  
15 think 40, 45 should be fine.

16 THE COURT: Yeah, when you think of those  
17 issues that might provoke a strong response from  
18 potential jurors like a child victim. Now, the  
19 victims in this case were elderly. I think if we  
20 bring in 45, 46 jurors, we should be okay.

21 MS. FRETER: I just haven't looked at the  
22 weather for next week.

23 THE COURT: I have only looked at the  
24 Notre Dame-Ohio State game that's going on Monday  
25 night.

1 (Off the record.)

2 THE COURT: Let's plan on trying to  
3 start -- let's get the lawyers here by 9, and  
4 there's always things to take up beforehand. We'll  
5 plan to try to get the jury pool up here around 10.

6 How soon will they have the packets for  
7 the lawyers to review? Jackie, what is the normal  
8 turnaround?

9 COURTROOM DEPUTY: We have another trial  
10 that day with Judge Dugan, so it may be a little  
11 later than normal, but they try to have them up by  
12 9, 9:30.

13 So Mr. Patel, what happens is we send  
14 questionnaires to each of the prospective jurors,  
15 and it gives us background information about them.  
16 So they'll bring up a binder that has the answers  
17 to all the questions that the jurors filled out,  
18 and we'll give that to your attorney; and I'll give  
19 her time to go through it and review their answers  
20 to see if there's anything that points out a  
21 concern. So it probably won't be until probably  
22 quarter after 10, twenty after 10 until we start  
23 questioning potential jurors; but hopefully, we can  
24 get the jury picked and opening statements  
25 commencing early afternoon.

1           And do you know what witnesses you're  
2 going to lead with?

3           MR. REED: Yes, Judge. We are planning to  
4 have two witnesses here. I know when we had two  
5 jury venires here in December, jury selection ended  
6 up taking all day. I'm hoping that's not the case,  
7 but we will have witnesses ready to go.

8           THE COURT: You think jury selection will  
9 take all day?

10          MR. REED: I raise it simply because it  
11 surprised us in December when they brought in two  
12 venires for two trials at the same time. Juror  
13 selection in both cases, we only got through  
14 openings. I raise it -- it took a long time.  
15 Hopefully, that doesn't happen again next week; but  
16 if it does take all day, then that may back us up  
17 as we're going through the week.

18          MS. FRETER: I was in trial with Judge  
19 Dugan at the same time that Mr. Reed was in trial  
20 with Chief Judge Rosenstengel, and there was about  
21 a hundred jurors. Judge Dugan, I think, had asked  
22 for more than he usually did, too, because of the  
23 nature of that case.

24          MR. REED: Right.

25          MS. FRETER: And it slowed down things in

1 the jury assembly room, I think, some, and it was  
2 just a weird day.

3 MR. REED: It was a weird day.

4 MS. FRETER: I think, because we're asking  
5 for fewer jurors, and I don't know what kind of  
6 case Judge Dugan has --

7 MR. WEINHOFET: Gun case.

8 MR. REED: It's a gun case.

9 MS. FRETER: So he won't need as many  
10 either. I think that it will go faster. I don't  
11 usually ever ask -- 40 minutes would be my max.  
12 Usually it's closer to 15 or 20. I just don't ask  
13 that -- between the questionnaires and what's  
14 already done before me, I go pretty fast, and I --  
15 as soon as they bring those binders, I can stand --  
16 I mean, I work while they talk, so --

17 THE COURT: All right.

18 MR. REED: I'm hopeful we'll be able to  
19 get through witnesses on Tuesday as well. I just  
20 flag it because that happened and I think it  
21 surprised us all.

22 THE COURT: Well, if it takes all day,  
23 I'll just blame it on the fact that there's two  
24 jury trials and not a hangover.

25 MR. WEINHOFET: Judge, may I ask, what is

1 your custom and practice for -- do you normally do  
2 panels? How do you handle back striking, things  
3 like that?

4 THE COURT: So I will ask questions, basic  
5 questions. I'll take them -- I'll address  
6 questions to those who are in the jury box, then  
7 I'll address questions to those that are in the  
8 gallery on the left side and then questions to  
9 those in the gallery on the right side.

10 When we ultimately go to pick the jury, I  
11 pick in groups of three. I don't allow back  
12 striking. The Government will have to tender three  
13 jurors to the defense, and the defense will have to  
14 tender back three jurors; and once we agree on the  
15 first three jurors, then we start the process again  
16 with the next three until we get to twelve and two  
17 alternates.

18 If you have any questions, if there's any  
19 issues you want me to ask the jury about, that you  
20 prefer I be the one to ask the question, I always  
21 contemplate doing those. There are some areas that  
22 have to be delved into in certain cases that are  
23 very uncomfortable for potential jurors, and I'd  
24 rather them take it out on me as opposed to one of  
25 the lawyers.

1 MR. WEINHOFET: We appreciate that.

2 THE COURT: Okay. Mr. Patel has his hand  
3 up. Do you want to talk to --

4 MS. FRETTER: Mr. Patel, you need to sit  
5 down.

6 THE DEFENDANT: I would like the people of  
7 this Nation to know what kind of things are going  
8 on here, and I insist on the media here before the  
9 proceedings.

10 THE COURT: Insist on the media what?

11 MS. FRETTER: Judge, he wants the press  
12 here. I've explained to Mr. Patel, this is an open  
13 courtroom. The press is able to come if they so  
14 choose. He's, I guess, asking that I or you invite  
15 the press. I don't do that, and so I will not do  
16 that, but if the press -- Mr. Patel, you have to  
17 sit down.

18 If the press want to appear, they're, of  
19 course, more than welcome to as it's an open  
20 courtroom.

21 THE COURT: In the federal system,  
22 Mr. Patel, the Court is open to the public  
23 including the media; however, the media is not  
24 allowed to broadcast the live proceedings without  
25 specific permission from the trial judge.

1           Is anyone going to be requesting daily  
2 transcripts in this case?

3           MR. REED: No, Judge.

4           MS. FRETER: No, Your Honor.

5           THE COURT: Okay. Erin, our court  
6 reporter, is taking down every word, and so there  
7 will be a written transcript of the entire  
8 proceedings that can be made available to the media  
9 if the media wishes.

10           From time to time, there are things in the  
11 transcript that I order be sealed. Meaning, we  
12 have a formal record of it, but that part of the  
13 record is not available to the public to review.  
14 Sometimes there are things of a sensitive nature  
15 that come up in a case where I order that that  
16 portion of the trial be sealed to protect a  
17 defendant or a witness or a victim from the  
18 disclosure of sensitive information.

19           Now, Mr. Patel, before we start the trial,  
20 I will address you in detail about your rights.  
21 I'm not -- you have a lawyer, so you don't need me  
22 to give you legal advice, but I will tell you that  
23 you are -- you are going to begin an experience  
24 that's going to be the first time you have been  
25 through anything like this; however, your lawyer is

1       incredibly well trained and has a tremendous amount  
2       of experience defending individuals such as  
3       yourself in a criminal case. Ultimately, it will  
4       be your decision to make as to whether or not you  
5       testify. If you choose to testify, we will put you  
6       on the stand, and you'll be able to answer  
7       questions and tell the jurors your side of the  
8       story. You do not have to testify, and you cannot  
9       be compelled to testify, and you should discuss  
10      that with your attorney. It's a very important  
11      part of the trial strategy in trying to defend your  
12      interests.

13               If you stand up and start talking to the  
14      jury, you may waive your Fifth Amendment rights;  
15      and if you start talking to the jury, I may have to  
16      allow the Government attorneys to put you on the  
17      stand and answer questions about what you just  
18      said. I don't want that to happen. In our  
19      proceedings so far, I have allowed you at times to  
20      address me directly without going through your  
21      attorney; but when the jury is in the courtroom,  
22      I'm going to have to enforce the rules that your  
23      attorney is the one who speaks for you unless and  
24      until you take the stand. All right?

25               It's obvious that this is a very stressful

1 situation for you and that you're very worried  
2 about how this is all going to play out, and I  
3 understand that; but we are -- I'm really going to  
4 enforce the rules. You are lucky you have the  
5 attorney you have, and I mean that. So don't get  
6 upset or get mad if I prevent you from speaking out  
7 at a time when you feel the need, or urgency, to  
8 announce in Court whatever is on your mind.

9 All right. Anything else we need to take  
10 up for the Government?

11 MR. REED: Nothing else, Judge. Thank  
12 you.

13 THE COURT: Okay.

14 THE DEFENDANT: I will fight my case  
15 myself.

16 THE COURT: You seem like a nice guy, but  
17 I'm telling you that would be really foolish. I  
18 have -- I've been a lawyer since 1987. If I was in  
19 a foreign country, and I was on trial and the  
20 entire trial was conducted in a language I didn't  
21 understand, there's not a chance I would defend  
22 myself, and I established myself as a very good  
23 trial lawyer when I was in private practice.

24 Now, if you defend yourself, you have to  
25 follow the rules, and you don't get to testify as

1 to facts unless you're put under oath. You can  
2 testify, but then you have to stand for  
3 cross-examination.

4 Counsel, do you have a concern about your  
5 client's competence; or what do you think is going  
6 on other than the fact that he's presented several  
7 options, and none of the options he's presented is  
8 the one he wants?

9 MS. FRETTER: Judge, Mr. Patel was present  
10 at the videotaped deposition that we did to  
11 preserve testimony, and we had an interpreter who  
12 was able to simultaneously interpret for him. At  
13 the end of the deposition, he was trying to talk to  
14 both the officer and to the Government, and he --  
15 from that conversation, so I'm not revealing  
16 attorney-client, he sees this case very  
17 differently.

18 The officer testified in a manner that the  
19 Government believes is inculpatory, that shows  
20 Mr. Patel is guilty of this offense, and the  
21 Government feels that that's very good testimony  
22 for them. Mr. Patel, who was present for the same  
23 testimony, feels that it is exculpatory, that the  
24 officer's testimony and what happened shows that he  
25 is not guilty of this crime or crimes. Those views

1 are diametrically opposed, and Mr. Patel just sees  
2 the case one way and the Government sees it another  
3 way, and the twain may never meet.

4 And so it's my opinion that I've told  
5 Mr. Patel about testifying, we worked on that, that  
6 that is at the end of the case. He's indicated to  
7 me -- and this isn't a surprise to the  
8 Government -- he intends to testify at this point.  
9 He wants to get up and tell his side of the story.  
10 I think that based on his totality of his  
11 situation, I don't know that he can pass a *Faretta*  
12 examination to be able to represent himself. I  
13 don't think that he's able to perform in this  
14 courtroom as -- as a pro se defendant. I think  
15 that Mr. Patel's concerns may be alleviated after  
16 he's testified, after he's able to, sort of, tell  
17 the jury his side of the story.

18 THE COURT: Can he read and understand the  
19 English language?

20 MS. FRETER: Not really, Judge, no.

21 THE COURT: All right. So any exhibits  
22 that are in a written form, he is not going to be  
23 able to read them and properly understand them; is  
24 that correct?

25 MS. FRETER: Yes, Your Honor. And the

1 sort of fundamental basics of our legal system in  
2 terms of that there's rules, who goes first, who  
3 goes second, that -- that litigants aren't just  
4 able to talk to the court or explain their side  
5 such as the case just goes away, he's not able  
6 to -- I'm sure the Court has had folks who are  
7 sovereign citizens, and they don't believe in the  
8 Government, but this is different than that. This  
9 is not even the understanding, sort of, that you  
10 would have from watching TV shows about courtrooms.  
11 He's just not able to really -- as the Court said,  
12 this is an experience very different from him that  
13 he had before. The basics of it, he's just not  
14 able to appreciate at this time. Maybe after  
15 trial, he'll understand more. He understands  
16 witnesses are going to come in and testify, there  
17 is going to be a jury, and they're going to get to  
18 decide, and he is going to get to say his side of  
19 the story, and he's seen a portion of that because  
20 we did the videotaped deposition, but I think that  
21 he feels that if he just is able to tell the  
22 Government that he didn't do this that the case  
23 will just go away.

24 THE COURT: The Government is well aware,  
25 Mr. Patel, that you maintain very strongly that you

1 are innocent. I presume you are innocent, and that  
2 presumption stays with you until the Government can  
3 prove to the satisfaction of the jury that you're  
4 guilty beyond a reasonable doubt of one or more of  
5 these charges that you face.

6 Do we need to have a hearing on his  
7 competency to represent himself?

8 MS. FRETHER: Again, Judge, Mr. Patel just  
9 sees the case very, very differently than the  
10 Government does. I don't know -- so the case I  
11 just had with Judge Dugan that I was stand-by  
12 counsel, the defendant was pro se. It was his  
13 second pro se trial. He was well familiar with the  
14 rules of procedure, objections, hearsay, could ask  
15 questions, also could maintain courtroom decorum.  
16 He was able to, after both the judge's admonition  
17 and inquiry, represent himself. Was it a wise  
18 decision, probably not, but he was able to exist  
19 within the courtroom space.

20 It's my opinion Mr. Patel is not going to  
21 be able to do that. He wants questions asked of  
22 the witnesses that are just inadmissible, that he's  
23 not going to be able to formulate any type of  
24 court-like examination or pick a jury or do any of  
25 those things that a pro se defendant would be able

1 to do.

2 THE COURT: Do you anticipate calling any  
3 witnesses other than the defendant?

4 MS. FRETER: I don't. Judge, this case is  
5 really -- it comes down to one issue only about  
6 knowledge and intent, and the only person who is  
7 able to demonstrate that is Mr. Patel, and the jury  
8 is either going to believe him about his knowledge  
9 and intent or they're not.

10 I'm able to construct a scaffolding with  
11 all of these little parts from all these other  
12 witnesses to show that he lacked knowledge and  
13 lacked intent. The Government will try to knock  
14 that down; but ultimately, it just comes down to  
15 what -- when he gets up there and testifies, do  
16 they believe him or not.

17 I'm in a better position, quite frankly,  
18 to put him in a place where they can relate his  
19 testimony to the facts based on this scaffolding  
20 that I'll construct than he is. He is not going to  
21 be able to respond to the Government's objections.  
22 It's not a -- it's just my opinion. I don't think  
23 that it's -- it's not a lack of competency in terms  
24 of intellectual functioning or mental health. I  
25 don't think he has either of those issues, and

1 we've spent quite a lot of time together. I just  
2 think that he feels very strongly and he's very  
3 inflexible in his thinking, and it is very contrary  
4 to how the Government feels about the same facts.

5 THE COURT: All right. I will question  
6 the defendant on Monday to see if it's appropriate  
7 to allow him to proceed representing himself with  
8 you as stand-by counsel.

9 Mr. Patel, in our system people have a  
10 right to an attorney. They also have the right to  
11 represent themselves. When someone is charged with  
12 crimes such as you and are facing potential  
13 penalties, that give -- I have to give serious  
14 consideration to whether or not a particular  
15 individual has the capacity to mount a credible  
16 defense against these charges. So defending  
17 yourself would mean that would you make an opening  
18 statement. Defending yourself would mean that you  
19 would raise the objections, any objections, to  
20 questions posed by the Government to witnesses, any  
21 objections to evidence that the Government seeks to  
22 present and respond to any objections that the  
23 Government lodges against your presentation or  
24 witnesses or evidence you wish to produce, and this  
25 happens in realtime.

1           So you will be trying to do this in a  
2     language you don't speak, and you would be trying  
3     to respond to objections voiced in a language you  
4     don't speak, and you would have to follow rules  
5     that you've not read, and then you would have to  
6     have a translator try to explain the rules to you  
7     in realtime.

8           As a practical matter, before you would  
9     testify, the jurors very well may form opinions  
10    about you that may not help you, and the best  
11    presentation of your case may be to have your  
12    lawyer craft questions to you that would allow you  
13    to tell your story, and at times you've been very  
14    moving in your statement, or statements, about that  
15    you're not guilty, that you didn't understand what  
16    was going on.

17          I presided over a number of cases in which  
18    individuals have elected to represent themselves  
19    instead of allow the lawyer to do his or her job.  
20    You're presumed innocent, and you -- a jury may  
21    find that you are innocent, but this is a serious  
22    process, and your best chance of this jury  
23    concluding that the Government has not proved its  
24    case against you, that bad things happened but it  
25    wasn't your fault, your best chance of securing a

1 verdict in your favor is by having your lawyer take  
2 the lead in handling this case.

3 Does the Government have a position on  
4 this?

5 MR. REED: Judge, I'd say two things.  
6 First, with regards to *Faretta*, there seems to be  
7 some significant obstacles to this request, and I  
8 think the second thing that I would say, it's not  
9 clear that there is a request to represent himself;  
10 and having a couple days for him to think about it  
11 and discuss with Ms. Freter and take it up first  
12 thing Tuesday morning would make sense to determine  
13 whether or not that is, in fact, what he's  
14 requesting and have full knowledge with that.

15 THE COURT: Ms. Freter?

16 MS. FRETER: I have a meeting with  
17 Mr. Patel and an interpreter set up this afternoon  
18 at four o'clock, and then I think we're supposed to  
19 meet again Thursday or Friday. It's my habit  
20 usually, after each witness is toward the end of  
21 testifying, and I check in with my clients, and I  
22 say is there anything else you want me to ask? I  
23 don't always ask those questions, but I check in.  
24 I think that may help to alleviate Mr. Patel's  
25 concerns that I'm not going to do what it is that

1 he wants.

2 I think that waiting until Tuesday to talk  
3 to him about if he's making a request to truly  
4 represent himself is probably a good idea. I  
5 think, also, we could continue to check in with him  
6 throughout the course of the trial in case he  
7 changes his mind, but I think that my recollection  
8 of *Faretta* is one of the standards is, you know,  
9 whether the Court feels that a defendant is going  
10 to be able to conform to the rules of court and  
11 conform to the sort of decorum area. If Mr. Patel  
12 is not able to restrain himself and not speak out  
13 of turn and not do those kind of things, you know,  
14 the Court can always have him removed which  
15 sometimes happens. I'm hopeful that we don't get  
16 to that point, but that's part of the sort of  
17 *Faretta* rubric; so hopefully, between now and  
18 Tuesday Mr. Patel and I can continue to work  
19 through these issues.

20 THE COURT: You should prepare yourself to  
21 be lead counsel. There are -- Mr. Patel, I've been  
22 a judge a number of years. I've seen people make  
23 foolish mistakes, I've seen them make foolish  
24 decisions, and sometimes I can't save them from  
25 those, and the consequences oftentimes are

1 significant. And if I, as a trained lawyer, an  
2 experienced trial lawyer, an experienced judge,  
3 wouldn't undertake to represent myself in a trial  
4 in a foreign country, in a foreign language I don't  
5 speak, with written documents I can't read, with  
6 rules of court that I had a history of not  
7 following, then I don't know how you would fair any  
8 better; and my fear is, is that my honest  
9 assessment is that the presentation of the evidence  
10 to the jury would be nowhere near as good if you  
11 represented yourself than it would be if you  
12 allowed your trained and experienced lawyer to  
13 fight for you.

14 On several occasions, contrary to your  
15 lawyer's objections, you have stood up and you've  
16 addressed me, you've become very emotional, you  
17 speak fast, your interpreter is probably not  
18 picking up on every word you're saying because you  
19 speak so fast. Your interpreter will be at a  
20 disadvantage to accurately convey the words you  
21 have spoken, translating to English, and then tell  
22 the jury; and I just think that's going to be a  
23 very big problem for you.

24 When you tell your version of events to  
25 the jury, because you will be responding to

1 questions presented to you by your lawyer, it will  
2 have -- it will have a logical flow to it; and  
3 because that's question-answer, question-answer, it  
4 helps break up things so that your interpreter is  
5 able to keep up with the presentation to the jury.  
6 It will flow that much better, and that's a very  
7 real -- that's a very real consideration you have  
8 to seriously contemplate.

9           It's not just that you think you're  
10 positive you're innocent. It's that that message  
11 has to be effectively -- effectively conveyed to  
12 the jury, and you don't get a do-over if you lose.  
13 If you represent yourself and you lose and you're  
14 sentenced to years in jail, you don't get to come  
15 back to this court and say, you know what, I know  
16 realize I should have let the lawyer help me. I  
17 want -- I want a new trial where I have a good  
18 lawyer defending me. It's too late.

19           All right. Anything else for the  
20 Government?

21           MR. REED: Nothing else, Judge.

22           MS. FRETER: No, Your Honor.

23           THE COURT: All right. Tuesday morning,  
24 let's try to get here by 9:15, and we'll take up  
25 whatever else we need to take up. I'm going to

1 grant the -- all the motions in limine that the  
2 Government has filed, and we will take up -- get me  
3 the information on the objection in the deposition,  
4 and I will let you know my ruling on that before we  
5 commence picking a jury, and we'll re-explore this  
6 issue about defense -- self-defense.

7 All right. We're adjourned.

8 (Proceedings adjourned at 10:42 a.m.)

9  
10 \* \* \* \* \*

11  
12 CERTIFICATE OF COURT REPORTER

13  
14 I, Erin M. Materkowski, hereby certify that  
15 the foregoing is a true and correct transcript from  
16 reported proceedings in the above-entitled matter.

17  
18 /s/ Erin M. Materkowski  
19 ERIN M. MATERKOWSKI, RPR, CRR  
20 Official Court Reporter  
Southern District of Illinois  
East St. Louis Division

Date: 6/20/2025